

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
NOVEMBER 24, 2003

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD
MICHAEL REIS
STEPHEN RIVERA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: JOSEPH MINUTA

REGULAR MEETING

MR. KANE: I'd like to call the November 24, 2003
meeting to order.

APPROVAL OF MINUTES DATED OCTOBER 27, 2003

MR. KANE: Motion to accept the minutes of October 27?

MR. MC DONALD: So moved.

MR. REIS: Second it.

ROLL CALL

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MR. REIS	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

ROBERT VASTA (03-50)

Mr. Robert Vasta appeared before the board for this proposal.

MR. KANE: Request for 13 ft. rear yard setback for proposed pool deck (Section 48-12 Use/Bulk Tables R-4 zone Column G-8) at 300 Stephenson Lane in an R-4 zone.

MR. KANE: Tell us what you want to do, sir. Come on up and just speak loud enough so this young lady can hear you.

MR. VASTA: I have an existing deck and I have a patio, I want to put a deck between my pool and the existing patio that I have now.

MR. BABCOCK: You want to be able to go from your deck to this little deck to the pool?

MR. VASTA: Well, it's not going to be attached to the deck, it's actually the stairs for the pool deck are going to be off this patio.

MR. BABCOCK: Right.

MR. MC DONALD: Won't be creating any water hazards or runoffs by putting the deck on or changing the slope of the land?

MR. VASTA: No.

MR. KANE: Cutting any trees down, substantial vegetation?

MR. VASTA: No.

MR. REIS: Not crossing any easements, water, sewer

easements?

MR. VASTA: No, sir.

MR. KANE: The deck you're building is similar to size to other decks in the neighborhood, so you're not changing the size and appearance in your neighborhood?

MR. VASTA: It's small to be honest with you.

MR. KRIEGER: Similar?

MR. VASTA: Yeah, similar.

MR. MC DONALD: Just an access to your pool is what you're looking for?

MR. VASTA: Correct.

MR. KRIEGER: Is this deck going to be attached to the house?

MR. VASTA: No.

MR. BABCOCK: Mr. Chairman--

MR. KANE: We're considering because of the way it comes down the platform that it's--so we go for the rear yard setback?

MR. BABCOCK: That's correct. It's sitting against the deck that's attached to the house so for the purposes of zoning.

MR. KANE: Not technically connected because of the way it's set up?

MR. BABCOCK: Correct.

MR. KANE: Self-closing, self-latching gates on the

deck coming up?

MR. VASTA: Yes.

MR. KANE: Guys, have any other questions for the moment?

MR. KRIEGER: Who's behind you?

MR. VASTA: I have two houses behind me.

MR. KANE: So, at this point, we'll open it up to the public. Is anybody here for this meeting? Now you want to stand up?

MS. PEREZ: I live at 203 Melville Drive, Linda Perez, P-E-R-E-Z.

MR. KANE: Do you have any problem with this, Linda?

MS. PEREZ: None whatsoever, he's a wonderful neighbor.

MR. KANE: Thank you, that helps. At this point, there's nobody else for this particular hearing, then we'll close the public portion of the hearing and ask Myra about the mailings.

MS. MASON: On the 7th of November, 75 addressed envelopes were mailed out and no responses.

MR. KANE: Gentlemen, any other questions?

MR. MC DONALD: Accept a motion?

MR. KANE: Yes, I will.

MR. MC DONALD: Make a motion that we grant the variance for Mr. Vasta for his proposed deck to the pool.

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MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

PETER DALY (03-51)

MR. KANE: Request for proposed 6 ft. fence that will project between the house and street on a corner lot (Use 48-14-C-1-(c)-1) at 325 Nina Street in an R-4 zone.

Mr. and Mrs. Daly appeared before the board for this proposal.

MR. KANE: Okay, same thing as in the preliminary hearing, tell us what you want to do.

MR. DALY: Put up, replace the fence that's existing there now, it's a 6 foot fence there now. When we bought the house, we didn't know we needed a permit for it, it was there when we bought the house.

MR. KANE: Do you know approximately how old the fence is that's existing?

MR. DALY: About 6 years.

MRS. DALY: Doesn't look like it.

MR. DALY: Parts of it are old.

MR. KANE: So you'd estimate 6 years or so?

MRS. DALY: I'd say close to 10.

MR. KANE: And the reason for the 6 foot fence instead of a 4 foot?

MR. DALY: Well, we have a fairly big sized dog that could probably get over the 4 foot fence pretty easily.

MR. KANE: Fence itself is it going to block any view of vehicles coming down the street to the corner? You're on a corner piece of property?

MRS. DALY: We have some pictures.

MR. DALY: I don't believe so. Our house is right next to the fence.

MR. KANE: So your opinion it's further enough off the street if somebody pulled in there's no way it's going to block their vision?

MR. DALY: Right.

MR. KANE: As far as you know, with the previous fence that was up, any complaints formally or informally about that existing fence?

MR. DALY: No.

MR. KANE: Any cutting down of trees or substantial shrubbery with the building of it that you know of?

MR. DALY: No.

MR. KANE: Any creation of water hazards or runoffs?

MR. DALY: No.

MR. MC DONALD: Same footprint as what you had?

MR. DALY: Yeah, it's going to be scalloped.

MR. KANE: So the 6 foot they'd be here anyway with the 6 footers they're here because they're on a corner lot?

MR. BABCOCK: Actually, they're not affecting the part of what would be their corner lot, they're actually projecting closer to the road than the principle building.

MR. KANE: And the way you have it written up here is

substantially to cover that?

MR. BABCOCK: Yeah.

MR. KANE: At this point, gentlemen, do you have any quick questions? I'll open this up to the public and ask if there's anybody in the audience for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On the 7th day of November, 84 addressed envelopes went out, no responses.

MR. KANE: Does any portion of the fence cover any easements on your property that you know of?

MR. DALY: No.

MR. KANE: Gentlemen, do you have any further questions?

MR. MC DONALD: Accept a motion?

MR. KANE: Yes.

MR. RIVERA: Move we grant Mr. Peter Daly for the proposed 6 foot fence that will project between the house and the street on a corner lot at 325 Nina Street.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

CHARLES BECHLE (03-48)

MR. KANE: Request for variance for proposed 12 ft. x 24 ft. shed that will project between the house and road on a corner lot (Section 48-14-A-4) located at 467 Mt. Airy Road in an R-3 zone.

Mr. and Mrs. Bechle appeared before the board for this proposal.

MR. KANE: Tell us what you want to do again.

MR. BECHLE: We want to erect a shed in our side yard which I guess technically is kind of called our front yard too for storage equipment.

MR. BABCOCK: Mr. Chairman, when this house was built, Marado Road was not in place so this was not a corner lot at the time the house was built and then Marado Road was built and created this corner lot.

MR. KANE: This is a proposed shed though, right?

MR. BABCOCK: That's correct.

MR. KANE: There's no other place on your yard that you could put this shed that will conform with the Town's rules?

MR. BECHLE: It wouldn't work out well, our back yard is really shallow and if we go to the other side yard, we're just so far away from our driveway we wouldn't be able to get the equipment in and out easily, especially during snow and whatnot.

MR. KANE: Twelve by twenty-four shed, the size, is it similar to other sheds in your neighborhood or will it change the nature of the neighborhood?

MR. BECHLE: No, there's a lot of sheds in the

neighborhood of that size, small barns, that type of thing.

MR. MC DONALD: Have you had any complaints?

MR. BECHLE: No.

MR. KANE: It's proposed, it's not existing. Since it's going to be on the street side and I will ask it, it's obvious from the picture, but the shed itself is not going to block the view of any traffic or any vehicles coming down the street?

MR. BECHLE: Not unless they want to peak in our back yard.

MR. KANE: Not cutting down any substantial shrubbery or trees with the building of this?

MR. BECHLE: No.

MR. KANE: Won't be creating water hazards or runoffs?

MR. BECHLE: No.

MR. KANE: Any easements in that area?

MR. BECHLE: No.

MR. KRIEGER: By the map, this appears to be a rather irregularly shaped property, is that correct?

MR. BECHLE: I don't know if you'd call it that, close to a triangle, irregular, it's close to a triangle.

MR. KRIEGER: Triangle plus.

MR. KANE: At this point, I'll open this to the public and ask if there's anybody in the audience for this particular hearing and there's not so we'll close the

public portion of the hearing and ask for Myra's details.

MS. MASON: On the 7th day of November, 20 addressed envelopes were mailed out and no responses.

MR. KANE: Thank you. Gentlemen, any other questions?

MR. REIS: Yes, Mr. Chairman, do we need, because it's between the house and the front and the corner, do we need dimensions, Mike, for this variance?

MR. BABCOCK: No, there's no dimensions, it can't be anywhere.

MR. KANE: It's going in the front yard so it doesn't make a difference, technically, it's a front yard.

MR. BABCOCK: What the law says it can't project closer to the street than the principle building. So there's no distance.

MR. REIS: Just want to make sure.

MR. BABCOCK: Typically, a shed is ten foot from the property line and he's proposing it 15.

MR. KANE: Or 12 if you're in Butterhill.

MR. BABCOCK: Yes.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we pass Mr. Bechle's request for a variance of 12 x 24 foot square foot shed.

ROLL CALL

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MR. REIS	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

THOMAS GAYTON (03-49)

MR. KANE: Request for 4 ft. rear yard setback for existing porch (Section 48-12, Use/Bulk Tables R-4 zone Column G-8) at 3 Crest Haven Drive in an R-4 zone.

Mr. Thomas Gayton appeared before the board for this proposal.

MR. KANE: Good evening, Mr. Gayton, tell us what you want to do.

MR. GAYTON: Well, I want a variance for something that's been existing for 33 years.

MR. KANE: The porch is 33 years old?

MR. GAYTON: Yes, it's got a new roof and siding.

MR. KANE: Any complaints formally or informally about the porch?

MR. GAYTON: None.

MR. KANE: The setup of the porch is similar to other enclosed porches?

MR. GAYTON: Yes. As I said, everybody is going to be here for the same thing.

MR. REIS: What brings you to the board?

MR. GAYTON: Because I got a loan for the house and I was re-siding it and everything else like that and that was brought up, it just came up.

MR. KANE: So this will clear everything up that's there, Mike?

MR. BABCOCK: Yes.

MR. KANE: As far as you know, were there any creation of water hazards or runoffs with the porch?

MR. GAYTON: No.

MR. KANE: Cutting down trees or substantial vegetation?

MR. GAYTON: No.

MR. KANE: The porch itself over any easements?

MR. GAYTON: No.

MR. KANE: At this point, I'll open it up to the public, ask if there's anybody in the audience that has anything left? Hearing none, At this point, we'll close the public portion of the hearing and ask Myra what we had mailed out.

MS. MASON: On the 7th of November, 82 addressed envelopes were mailed out, no responses.

MR. KANE: Gentlemen, any other questions?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we grant Mr. Gayton his request for his existing porch at 8 Crest Haven Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE

MR. KANE AYE

MR. KANE: Motion to adjourn?

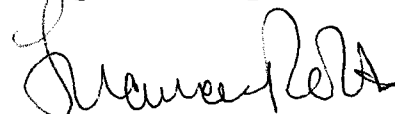
MR. REIS: So moved.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

Respectfully Submitted By:



Frances Roth
Stenographer